

ORDINANCE NO. 49-916

AN ORDINANCE AMENDING THE STAR PROJECT PLAN FOR THE RIVER DISTRICT STAR BOND PROJECT AREA FOR THE EAST BANK REDEVELOPMENT DISTRICT AND THE ISSUANCE OF BONDS OF THE CITY OF WICHITA, KANSAS TO PAY A PORTION OF THE COSTS OF DESIGN AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE AND SITE IMPROVEMENTS RELATED THERETO.

WHEREAS, the City of Wichita, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas as a city of the first class; and

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "TIF Act") and Ordinance No. 42-966, passed December 12, 1995, and published December 15, 1995, the City Council (the “Governing Body”) of the City established a redevelopment district pursuant to the TIF Act, known as the East Bank Redevelopment District (the “TIF District”); and

WHEREAS, by Ordinance No. 45-339, passed June 25, 2002, and published June 29, 2002, the City removed certain property and reduced the boundaries of the TIF District pursuant to K.S.A. 12-1771(g); and

WHEREAS, by Ordinance No. 46-407, passed November 23, 2004, and published November 29, 2004, the City added certain property and increased the boundaries of the TIF District pursuant to K.S.A. 12-1771(f) and made a substantial change to the District Plan for the TIF District; and

WHEREAS, the District Plan for the District provided that redevelopment of the District would be in several project areas within the District as set forth in separate redevelopment plans to be approved by the Governing Body pursuant to the TIF Act; and

WHEREAS, pursuant to Ordinance No. 49-557, passed August 13, 2013, and published August 16, 2013, a non-substantial amendment to Ordinance No. 46-407 and the District Plan was made by attaching a map of the proposed project areas; and

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as subsequently re-codified in K.S.A. 12-17,160 *et seq.* (the “STAR Bond Act”) the City prepared a special bond project plan for development of the River District Corridor Improvements Project Area (the “River District Project Area”) within the TIF District, dated as of July 2007 (the “River District STAR Bond Project Plan”); and

WHEREAS, pursuant to the STAR Bond Act, the Secretary of the Kansas Department of Commerce (the “Secretary”): (a) determined that the River District Project Area in the District constitutes a major commercial entertainment and tourism area and is therefore an “eligible area” under the STAR Bond Act (the “STAR District”), (b) approved and designated the improvements described in the River District STAR Bond Project Plan as a “STAR bond project” within the meaning of the STAR Bond Act and (c) approved financing of certain costs of the River District STAR Bond Project Plan with STAR bond financing; and

WHEREAS, after complying with procedural requirements of the STAR Bond Act, by Ordinance No. 47-518, passed July 17, 2007, and published July 20, 2007, the City adopted the River District STAR Bond Project Plan for the East Bank Redevelopment District; and

WHEREAS, the Secretary of the Kansas Department of Commerce (the “Secretary”) approved the River District STAR Bond Project Plan on October 24, 2007 and authorized the issuance of STAR Bonds to finance eligible project costs in an amount not-to-exceed \$13,000,000; and

WHEREAS, the STAR Bond Act, particularly K.S.A. 12-17,166(k), authorizes the Governing Body to approve substantial changes to the River District STAR Bond Project Plan, subject to public hearing, notice of which is provided by publication at least twice in the official City newspaper; and

WHEREAS, the City proposes to amend the River District STAR Bond Project Plan (the “STAR Project Plan Amendment”) to include tourism facilities on the West Bank of the Arkansas River between Douglas Avenue and 1st Street North at an additional cost of approximately \$7,862,999.05 and to modify the scope of the public improvements described in the River District STAR Bond Project Plan; and

WHEREAS, pursuant to the STAR Bond Act, the Secretary: (a) approved and designated the improvements described in the STAR Project Plan Amendment as a “STAR bond project” within the meaning of the STAR Bond Act and (b) approved financing of certain costs of the STAR Project Plan Amendment with STAR bond financing in the amount of \$4,750,000 (exclusive of financing costs and related reserves); and

WHEREAS, on December 16, 2014, after providing notice required by the STAR Bond Act, a public hearing on the STAR Project Plan Amendment was opened, public comment was received by the Governing Body and the public hearing was closed; and

WHEREAS, the Governing Body is authorized by the STAR Bond Act to adopt the STAR Project Plan Amendment by ordinance passed by not less than two-thirds vote of the Governing Body; and

WHEREAS, the STAR Project Plan Amendment contemplates that the City shall provide financing for a portion of the costs of the public improvements described therein; and

WHEREAS, pursuant to K.S.A. 13-1024a, as amended by Charter Ordinance No. 156 of the City (collectively, the “Charter Ordinance”), the Governing Body hereby finds and determines that it is necessary and desirable, in order to implement the STAR Project Plan Amendment as approved by the Secretary, to authorize the issuance of general obligation bonds of the City, in one or more series, in the amount \$1,050,000, plus associated financing costs and interest on interim financing (the “Bonds”).

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. STAR Project Plan Amendment Approval. The River District STAR Bond Project Plan for the redevelopment of the River District Project Area, is hereby amended as follows:

(a) The Project Description is amended by inserting *Exhibit A* attached hereto containing a new subsection entitled “West Bank Redevelopment Project – 2014” at the end of said Project Description section; and

(b) The Plan of Financing is amended by inserting ***Exhibit B*** attached hereto containing a new subsection entitled “West Bank Redevelopment Project Sources and Uses of Financing – 2014” at the end of said Plan of Financing section.

All provisions of and exhibits to the River District STAR Bond Project Plan not specifically amended, revised or replaced hereby shall remain unchanged.

Section 2. Financing Authorization. The Governing Body hereby declares its intention to issue and sell, pursuant to the Charter Ordinance, the Bonds, to finance all or a portion of the public improvement costs described in the STAR Project Plan Amendment to be paid by the City. In order to temporarily finance the aforesaid costs prior to the issuance of the Bonds, there may be issued temporary improvement notes, in one or more series, in an aggregate principal amount not exceeding the authorization for the Bonds (the “Notes”). The Bonds and Notes may be issued to reimburse the City for such public improvement costs pursuant to Treasury Regulation §1.150-2.

Section 3. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City newspaper.

Section 4. Notification. The City Clerk shall cause to be transmitted copies of this Ordinance to the Sedgwick County Board of County Commissioners, Clerk, Treasurer and Appraiser and to the Board of Education of Unified School District No. 259 (Wichita).

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PASSED by not less than two-thirds vote of the City Council of the City of Wichita, Kansas, on January 6, 2015.

(SEAL)

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim Director of
Law and City Attorney

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CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. 49-[____] (the “Ordinance”) of the City of Wichita, Kansas (the “City”); that said Ordinance was passed by the City Council on January 6, 2015, that the record of the final vote on its passage is found on page ____ of journal ____; that a summary thereof was published in the official newspaper of the City on January 9, 2015; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: January 9, 2015.

Karen Sublett, City Clerk

EXHIBIT A

West Bank Redevelopment Project – 2014

In order to compliment and extend the tourism-related public access improvements along the banks of the Arkansas River between the Keeper of the Plains Plaza and bridges on the north and the WaterWalk Fountain and amphitheater on the south, the City of Wichita has partnered with a team of local developers for the redevelopment of the West Bank of the Arkansas River between Douglas Avenue and 1st Street North.

The commercial development component of the West Bank Redevelopment Project will operate under the name “River Vista” and includes in Phase I the construction of an approximately 154-unit apartment complex and related surface parking, a multi-level parking structure for approximately 251 vehicles and a boat and bike storage and rental facility of approximately 7,000 square feet at an aggregate estimated total cost of approximately \$22,000,000. The commercial project will be funded by Developer debt and equity, City of Wichita tax increment financing and community improvement district and traditional special assessment financing bonds paid by the Developer (River Vista, LLC). Details of the sources and uses of funding are set forth in the following Section Plan of Financing.

The four story apartment complex overlooking the Arkansas River and downtown Wichita will also house a boathouse on its lower level, opening onto the riverbank. The boathouse will rent boats and bikes for recreational use by the general public and provide storage for rowing team equipment.

The tourism-related public access component of the Project will create landscaped public walkways and bike paths along the River between Douglas Avenue and 1st Street North. The public amenities will incorporate and improve the existing Delano Park and its historic monument to Wichita pioneer Ben McLean, along with public art and public gathering areas suitable for concerts on the River. Details of the public and private project are depicted in the Site Plan attached below.

The estimated cost of the planned riverbank improvements is \$7,862,999.05. Funding sources for the public improvements include: (a) STAR Bonds in an amount not-to-exceed \$4,750,000; (b) City of Wichita general obligation bonds in an amount not-to-exceed \$1,050,000; and (c) special assessments against Developer owned property for the balance of the riverbank improvement project costs financed by City general obligation special assessment bonds.

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West Bank Redevelopment Project Site Plan:

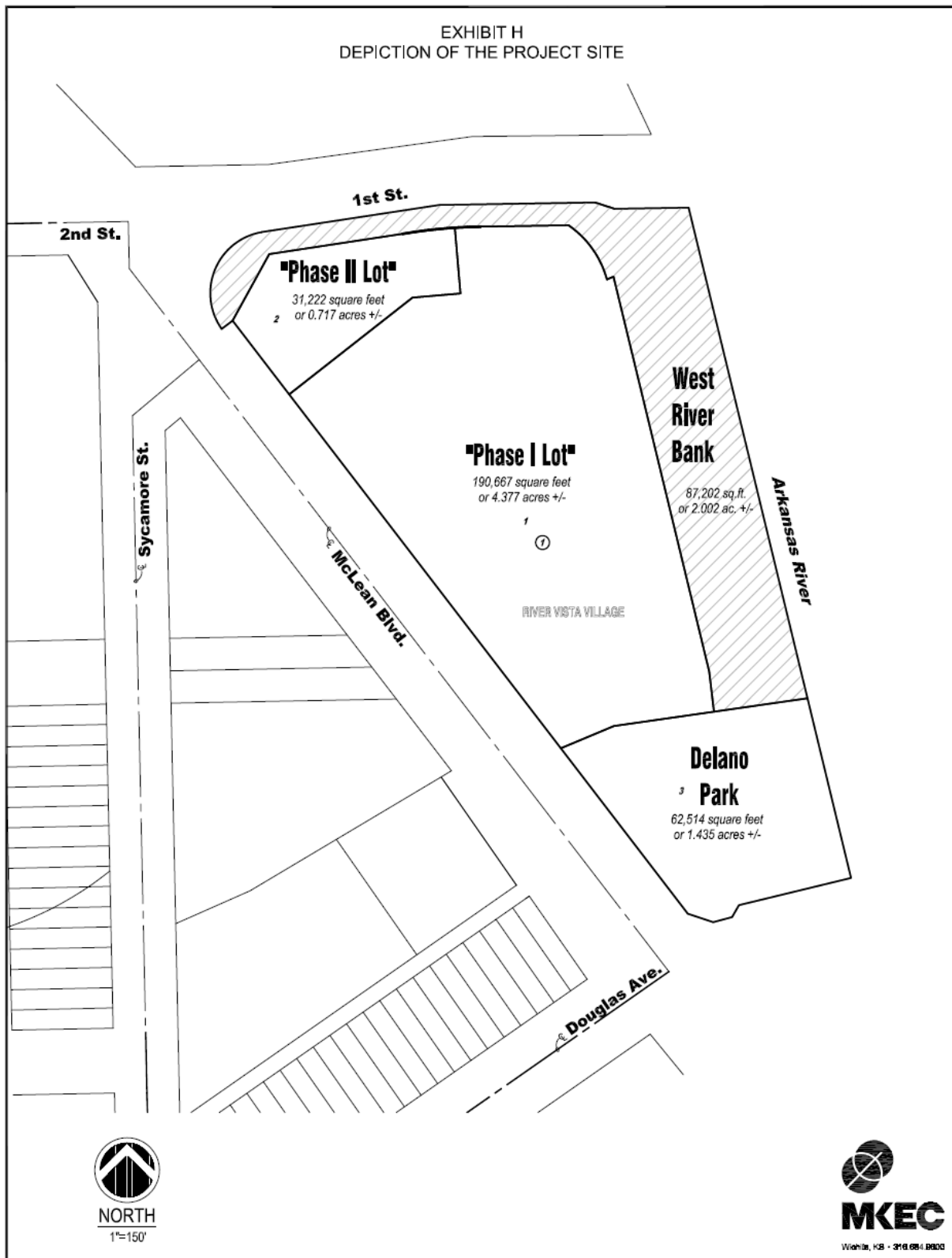


EXHIBIT B

West Bank Redevelopment Project Sources and Uses of Financing - 2014”

TIF Project Budget	
Parking Garage (partial)	\$2,500,000.00
TOTAL	\$2,500,000.00

TIF Public Infrastructure Improvements Budget	
Utilities	\$582,396.00
Sidewalks	\$36,786.20
Intersection	\$298,791.50
Plan Review and Permit	\$7,274.59
CM Administration, Contract Review and Legal	\$42,588.00
Engineering & Inspection (\$11,600 has been paid by Developer already)	\$45,910.80
Architectural	\$19,500.00
TOTAL	\$1,033,247.09

CID Infrastructure Improvements Budget	
Parking Garage (partial)	\$1,670,000.00
Earthwork/Paving	\$504,752.50
Landscape & Irrigation (including well)	\$110,348.00
Site Lighting	\$156,891.00
Signage	\$25,000.00
Plan Review and Permit	\$39,357.41
CM Administration, Contract Review and Legal	\$230,412.00
Engineering & Inspection	\$248,389.20
Architectural	\$105,500.00
TOTAL	\$3,090,650.11

STAR Bonds Budget	
Site clearing and preparation	\$361,095.50
Earthwork (including, but not limited to, excavation, exporting of excess soil, imported topsoil and grading)	\$567,815.25
Utilities (including well)	\$14,750.00
Hardscape	\$448,378.00
Landscaping, including irrigation systems	\$315,211.90
Retaining walls, including piling and cast-in-place concrete	\$1,678,320.00
Masonry/Stonework	\$420,777.50
Metals, including handrails, guardrails, and gates	\$261,550.00
Site lighting and electrical	\$231,000.00
Site furnishings, including benches, trash receptacles, bike racks and signage	\$95,200.00
Floating dock	\$250,000.00
Flood gates/panels	\$80,000.00
McLean fountain rehabilitation	\$35,000.00
Fountain/water feature	\$320,000.00
Art/sculptures	\$400,000.00
Erosion Control	\$19,084.00
Inlet Protection	\$46,000.00

City Engineering, Administration and Inspection	\$477,054.97
Project Contingency	\$954,109.93
Plan Review and Permit	\$22,127.00
LK Professional Fees	\$249,727.00
Other Fees	\$36,000.00
CM Administration, Contract Review and Legal	\$579,798.00
TOTAL	\$7,862,999.05

(Published in *The Wichita Eagle* on January 9, 2015)

SUMMARY OF ORDINANCE NO. 49-[_____]

On January 6, 2015, the City Council of the City of Wichita, Kansas (the “City”) passed an ordinance entitled:

AN ORDINANCE ADOPTING A STAR BOND PROJECT PLAN AMENDMENT FOR THE RIVER DISTRICT STAR BOND PROJECT AREA FOR THE EAST BANK REDEVELOPMENT DISTRICT AND THE ISSUANCE OF BONDS OF THE CITY OF WICHITA, KANSAS TO PAY A PORTION OF THE COSTS OF DESIGN AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE AND SITE IMPROVEMENTS RELATED THERETO.

Ordinance No. 49-[_____] (the “Ordinance”) approves an amendment to the River District STAR Bond Project Plan relating to the development and construction of public improvements within the River District Star Bond Project Area of the East Bank Redevelopment District within the City and authorizes general obligation bonds to support costs associated therewith. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 13th Floor, City Hall, 455 North Main, Wichita, Kansas 67202-1679. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wichita.gov.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: January 6, 2015.

Sharon L. Dickgrafe, Interim Director of
Law and City Attorney